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REVIEW OF TECHNICAL ASSISTANCE, ADVISORY AND TRAINING PROGRAMMES ON COMPETITION LAW AND POLICY

Note by the UNCTAD secretariat

Executive summary

UNCTAD provides various types of assistance and advisory and training programmes on competition law and policy to developing countries and countries in transition in accordance with requests received, the needs of the countries concerned and resources available. Accordingly, this note contains a progress report on the technical cooperation activities of the UNCTAD secretariat, which are described under three main subheadings, namely national activities, regional and subregional activities, and participation in seminars and conferences. In addition, it contains extracts from replies of member States and international organizations to the note by the Secretary-General of UNCTAD requesting information on technical cooperation activities in the field of competition law and policy. Also included are extracts from the replies received, which are related to requests for technical assistance with identification of specific competition law and policy areas or issues which the States would wish to see receive priority attention.

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I. INTRODUCTION

1. It is recalled that the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, adopted by the General Assembly in 1980 (General Assembly resolution 35/63 of 5 December 1980 - TD/RBP/CONF/10/Rev.2), calls in Section F, paragraphs 6 and 7, for technical assistance, advisory and training programmes on restrictive business practices, particularly for developing countries. In line with the Set, the Fourth United Nations Conference to Review All Aspects of the Set, in paragraph 14 of its resolution (TD/RBP/CONF. 5/16), took note with appreciation of the voluntary financial and other contributions for capacity building and technical cooperation, and invited all member States to assist UNCTAD on a voluntary basis in its technical cooperation by providing experts, training facilities and resources; requested the UNCTAD secretariat to continue and, resources permitting, to expand its technical cooperation activities; and invited the Secretary-General of UNCTAD to explore the feasibility of mobilizing financial and human resources on a more predictable and regular basis and to address the cooperation needs of developing countries and economies in transition in relevant official languages of the United Nations. It further requested the UNCTAD secretariat to prepare for submission to the next session of the Intergovernmental Group of Experts on Competition Law and Policy a review of technical assistance, advisory and training programmes on competition law and policy, revised in the light of comments submitted by member States.

2. Accordingly, this note contains a progress report on the technical cooperation activities of the UNCTAD secretariat in the period immediately preceding and following the Fourth Review Conference, held from 25 to 29 September 2000, as well as extracts from replies of member States and international organizations to the note by the Secretary-General of UNCTAD requesting information on technical cooperation activities in the field of competition law and policy (TDN 915 (1) of 13 November 2000). The Secretary-General is grateful for the replies to his note.

II. PROGRESS REPORT ON UNCTAD TECHNICAL COOPERATION

3. UNCTAD provides assistance and advisory and training programmes on competition law and policy to developing countries and countries in transition in accordance with requests received, the needs of the countries concerned and resources available. The main types of the secretariat's technical cooperation activities are as follows:

(a) Provision of information about restrictive business practices (RBPs), their existence and possible adverse effects on the economy. This may involve a study of restrictive business practices in a specific country;

(b) Introductory seminars directed at a wide audience, including government officials and academics, as well as business and consumer-oriented circles;

(c) Assistance to States which are in the process of drafting competition legislation in the form of provision of information on such legislation in other countries or advice as to the drafting of their competition legislation;

(d) Advisory services for the setting up of a competition authority. This usually includes training of officials responsible for the actual control of RBPs and may involve training workshops and/or on-the-job training with competition authorities in countries that have experience in the field of competition;

(e) Organization of seminars for States which have already adopted competition legislation, have experience in the control of RBPs and wish to consult each other on specific cases and exchange information;

(f) Assistance to States which wish to revise their competition legislation and seek expert advice from competition authorities in other States, so as to amend their laws in the most effective manner possible.

4. The main technical cooperation activities of the UNCTAD secretariat for the above-mentioned period are described below.

A. National activities

5. Technical assistance related to preparation, drafting or revision of national competition legislation was provided to Benin, Botswana, Burkina Faso, the Dominican Republic, Ecuador, Kenya, Mali, Mauritius, Namibia, South Africa, Thailand and Viet Nam. In particular, in the case of Mauritius, discussions were held between UNCTAD officials and representatives of the Government of Mauritius and of the private sector relating to a draft competition bill, prepared earlier in consultation with UNCTAD. In parallel with the work on elaborating a common approach to competition policy for the member States of the Common Market for Eastern and Southern Africa (COMESA), individual member States were assisted in introducing procedures for the enforcement of national competition legislation compatible with the COMESA common competition policy. In addition, UNCTAD has exchanged experiences with the Italian Antitrust Authority with a view of transmitting them to countries beneficiaries of UNCTAD's technical assistance.

6. A national seminar on the implementation of the Zambian Competition Act was organized in July 2000 in Livingstone, Zambia. At the seminar, which followed a similar one held in 1999 in Lusaka, the progress being made in the implementation of competition policy in Zambia was reviewed and competition experts from the COMESA and Southern African Developed Community (SADC) regions of Africa were able to share their experiences.

7. A national seminar on competition law and policy was held by UNCTAD in cooperation with the Government of Cuba in Havana in February 2001 with participation of representatives of various Cuban Ministries, Chambers of Commerce, enterprises, research institutes and universities. It was the first step to furthering assistance to Cuba in the area of competition policy, as envisaged under a special UNCTAD project aimed at strengthening the capacity of Cuban public institutions to foster Cuban economic growth and the country's insertion into the world economy.

8. A training course, held in October-November 2000 in Bamako, Mali, acquainted a wide range of participants from Mali and neighbouring countries with specific problems of implementing competition policy, considered in the training manual developed by UNCTAD, and made it possible to initiate the building of local training capacity in the area of competition law and policy.

9. A seminar on "Safeguarding competition in a market economy" was held in October 2000 in Hanoi, Viet Nam. This seminar, sponsored by the German Foundation for International Economic Development (DSE) in cooperation with UNCTAD and organized within the framework of assistance to the Vietnamese Government in adopting national competition legislation, reviewed all major competition issues and considered various aspects of UNCTAD's new Model Law on Competition.

B. Regional and subregional activities

10. Following a Regional Seminar on Competition Policy for the Asia-Pacific Region held in India in April 2000, another Regional Seminar on Competition Law and Policy was held on 18 and 19 July 2000 in Casablanca by UNCTAD in partnership with the Ministry of General Affairs of the Government of Morocco. Also, an African Regional Seminar on Competition Law and Policy for COMESA and SADC member States was co-organized by UNCTAD and the Zambia Competition Commission on 24 and 25 July 2000 in Livingstone, Zambia. Both seminars adopted Declarations, containing a number of substantive proposals which were submitted and further discussed at the Fourth United Nations Conference to Review All Aspects of the Set (Geneva, 25-29 September 2000).

11. UNCTAD also discussed with the Commission of the West African Economic and Monetary Union (UEMOA) various problems related to the application of the common competition legislation in the UEMOA area.

12. In Latin America, a Regional Seminar on Competition Law and Policy for Latin America and the Caribbean was held from 30 August to1 September 2000 in San José, Costa Rica, by UNCTAD in cooperation with the Commission for the Promotion of Competition of Costa Rica and the Economic Commission for Latin America and the Caribbean (ECLAC). The seminar contributed to the exchange of information and experiences by competition authorities of countries that have experience in the competition field with representatives of countries that still do not have a competition law or authority. It also allowed participants to update their knowledge of the international developments in competition policy, acted as a regional preparatory body for the Fourth Review Conference and agreed on the San José Declaration.

13. In cooperation with the Antimonopoly Committee of Ukraine and the European Commission, UNCTAD organized the Regional Conference on Competition for countries of the Commonwealth of Independent States (CIS) and countries of Central and Eastern Europe, held in Kiev, Ukraine, on 13 and 14 July 2000. The conference made possible a high-level and productive exchange of experiences and views on the problems of cooperation among and with countries of the region. It also reviewed various issues related to competition legislation and policy and individual country developments, and elaborated recommendations for the Fourth Review Conference, contained in the Kiev Declaration.

C. Participation in seminars and conferences

14. During the period under review, staff members of UNCTAD took part in a number of seminars, workshops and conferences related to issues of competition law and policy and consumer protection. In particular, resource persons from UNCTAD made substantive presentations and/or participated in discussions at the following meetings:

(a) The Round Table Forum on Competition Policy and Law: Their Role in Pro-poor Development, organized by the Department for International Development (London, July 2000);

(b) The Regional Workshop on Competition Policy, Economic Development and the Multilateral Trading System, held by the World Trade Organization (WTO) in Phuket, Thailand, in July 2000;

(c) The IIIrd International Conference on the 10th Anniversary of the Antimonopoly Bodies of the Russian Federation and the 12th Meeting of the CIS Antimonopoly Committee, held in Moscow in October 2000;

(d) The Second International Cartels Workshop, organized by the Office of Fair Trading in Brighton, United Kingdom, in November 2000;

(e) The Launching Meeting for the "7-Up" Consumer Unity and Trust Society (CUTS) project on the comparative study of competition regimes in selected developing countries of the Commonwealth (Jaipur, India, December 2000);

(f) The Third International Meeting of Economists on Globalization and Development Problems, organized by the National Association of Economists of Latin America and Caribbean and the Cuban National Association of Economists and Accountants in Havana in January 2001.

III. TECHNICAL COOPERATION OF MEMBER STATES AND INTERNATIONAL ORGANIZATIONS

A. Technical assistance provided, planned or received

15. Below are extracts from the replies received to the Secretary-General's note TDN 915 (1) of 13 November 2000, which requested information on technical cooperation activities in the field of competition law and policy.

Barbados

16. A representative of Barbados attended a workshop on Competition Law and Policy, organized by UNCTAD and held in Trinidad and Tobago in 1999.

China

17. In 1999, the Chinese competition authority – the State Administration for Industry and Commerce (SAIC) – carried out joint cooperation activities on competition and consumer protection with the Australian Competition and Consumer Commission (ACCC). Experts from the ACCC twice participated in seminars in China on competition legislation and law enforcement, regulation of natural monopolies, and exemptions from competition law and consumer protection. In addition, the SAIC sent a delegation to make a study tour regarding Australian competition legislation and law enforcement by the ACCC. In 1999 and 2000 the SAIC carried out joint cooperation activities with the General Directorate for Fair Trading, Consumer Affairs and Fraud Control (DGCCRF) of France. It invited five experts from the DGCCRF to lecture in two training courses in China with the participation of some 120 officials from the Chinese competition authority. Also, the SAIC sent a delegation to study the situation in France. Since 1997, it has sent delegates to participate in the workshops on competition co-sponsored by the Korean Fair Trade Commission and relevant organizations such as the Organisation on Economic Cooperation and Development (OECD) and the Korean Development Institute. These workshops have provided opportunities for officials from developing countries to extend their knowledge of competition laws/policies and to share their enforcement experiences. Since 1998, the SAIC has each year sent its officials to participate in training courses funded by the Japan International Cooperation Agency and organized by the Japan Fair Trade Commission. The main subject of these courses is competition law and policies, consumer protection and the situation of law enforcement in Japan. Since 1998, the OECD has been providing technical assistance in the area of anti-monopoly legislation in China. In 1998 and 1999, the OECD and the Chinese drafting group on anti-monopoly law co-organized two international seminars on anti-monopoly legislation. In 1999, the OECD invited the drafting group to attend the meeting of the Competition Law and Policy Committee as an observer, and also arranged a symposium for the drafting group.

Fiji

18. In October 2000, the Government appointed members to the Commerce Commission, which is an independent statutory body established under the Commerce Act of 1998 and is responsible for the regulation of competition, consumer protection and pricing through all sectors of the economy. The newly established Commission is currently liaising with the New Zealand Commerce Commission for technical assistance since its structure mirrors that of the New Zealand Commerce Commission.

Ghana

19. Ghana has benefited from the following technical cooperation activities: (a) UNCTAD's technical assistance in providing resource persons for a National Seminar on Competition Policy and Law in 1992; (b) fact finding mission to the UNCTAD secretariat in Geneva and United Kingdom Office of Fair Trading in London, and discussions with consultants provided by the UNCTAD secretariat within the framework of technical assistance in the drafting of the Competition Bill; and (c) technical assistance provided by UNCTAD through an attachment course to the German Federal Cartel Office.

Italy

20. All national technical assistance activities in the field of competition policy have been carried out exclusively by the Competition Authority. In 1999 and 2000, the Authority provided assistance through various formats (internships, seminars, submission of written comments on draft laws, etc.). The most common forms of assistance have been: (a) the organization of internships for foreign officials (from Kenya in 1999 and from Mozambique in 2000); and (b) the contribution by Authority experts to training seminars (in Budapest, Sofia, Mexico City and Vilnius in 1999, and in Rome and Casablanca in 2000). Recently, the Authority joined with the German Ministry of Finance in two-year European Union (EU) twinning project with Romania in the field of competition and State aid policy to facilitate that country's accession to the EU. Preparatory work for an assistance project with the Competition Authority of the Russian Federation has also started. All technical assistance activities have been of a short-term nature, while the planned project with Romania will involve for the first time in the recipient country a medium-term detachment of Authority officials.

21. As far as the geographical coverage of technical assistance activities is concerned, no explicit priorities have been set, as long as such activities are demand-driven. It should be noted, however, that technical assistance requests addressed to the Authority often come through other international organizations (EU, OECD, UNCTAD, WTO, World Bank) and the funding relates only to the covering of the direct expenses of the Authority. No human resources are specifically allocated for technical assistance activities: these are carried out on a rotation basis. The skills which have proved to be highly desirable for officials assigned to take part in these activities include a solid economic and legal background coupled with several years of antitrust enforcement experience.

Lithuania

22. During 2000, further attempts were made to give practical effect to technical assistance received by the Competition Council from international organizations. In 2000 technical assistance was provided to the Competition Council through the PHARE SEIL project (Support to European Integration in Lithuania). The basic objective pursued during implementation of the project was assistance in drafting legal acts related to the adoption of the new Lithuanian Law on Competition. Since 1999 the Danish Ministry of Foreign Affairs has provided bilateral assistance to the Competition Council under the FEU Programme, which supports the process of transposing EU legislation into national legislation, namely by granting bloc exemptions to vertical restraints and for different transport sectors. Measures were also taken for the implementation of the PHARE Twinning Technical Assistance Project "Strengthening and Enforcement of Competition Policy", which started at the end of 2000. The main objective of the project is to support Lithuania's enforcement of a transparent competition policy, so that by the end of the project compatibility with EU requirement is achieved. In particular, this requires the further strengthening of the enforcement, monitoring and reporting capacities of the Competition Council in the area of State aid. The project includes drafting of secondary legislation in the field of antitrust and State aid, extensive staff training and education of key targeted audiences in the public sector, assistance in investigating individual cases and strengthening the institutional capacity of the Competition Council.

Madagascar

23. The 1997 agreement between the Republic of Madagascar and UNCTAD on the technical cooperation and assistance programme for competition policy covered: (a) the holding in Madagascar of a national two-day seminar for government officials and local business and consumer representatives on the implications of new legislation in the light of Madagascar's commitments under its liberalization policy (the legislation referred to is bill No. 97-025, on competition and consumer protection, which never became law); (b) the fullest possible documentation on the provisions in force in other countries in the area of competition and trade, including dumping, consumer protection, unfair competition, price control and businesses, as well as the provision of a grant for Malagasy managers to attend a short course on competition law; (c) the organization at the above-mentioned seminar of training sessions for trainers, aimed at the officials actually employed to control restrictive business practices, which was attended by around 20 people, including representatives of the private sector; (d) technical assistance as needed for the drafting of competition-related legislation and the associated implementing regulations, including those for the competition law.

24. A seminar on competition policy in Madagascar at the dawn of the new millennium was jointly organized by UNCTAD and the Government of Madagascar and held in Antananarivo in December 1999.

Peru

25. The third internship programme in the National Institute for the Defence of Competition and the Protection of Intellectual Property (INDECOPI) for government officials is planned for the second half of 2001. Its aim is to boost competition and intellectual property protection in American countries by disseminating the methods applied by INDECOPI in its various fields of activity.

26. Between 1998 and 2000, the competition-policy projects and activities carried out in Peru with the help of international cooperation included: (a) an international seminar on competition policy organized jointly with the Organization of American States in 1998; (b) a project to strengthen the regulation and promotion of the market economy carried out in cooperation with the Inter-American Development Bank (IDB) and the Andean Development Corporation between 1998 and 2000; and (c) an international workshop on competition policy organized jointly with OECD in 1999. INDECOPI officials attended: (a) a course on competition policy funded by the World Bank and IDB and held in Washington in 1998; (b) a competition policy course funded by the Japan International Cooperation Agency (JICA) and held in Chiang Mai, Thailand, in 1999; (c) a course on competition policy and anti-monopoly activities funded by JICA and held in Osaka in 1999; (d) a course on the economics of regulating public services, funded by IDB and held in Buenos Aires in 2000; and (e) the fourth Asia-Pacific Economic Cooperation (APEC) Partners for Progress (PFP) course on competition policy for APEC member economies, funded by the Thai Department of International Trade, the United States Fair Trade Commission and JICA.

Poland

27. The principal institution responsible for technical assistance in the field of competition law and policy in Poland is the Office for Competition and Consumer Protection (OCCP), which was established in 1990. In recent years, the Office has benefited from technical assistance by the European Union within the framework of PHARE programmes. This assistance has consisted mainly of training of experts on competition law and policy issues, study visits to the appropriate European institutions responsible for anti-monopoly policy, secondments to the Directorate General on Competition in the European Commission and the preparation of reports. In the early 1990s, the Office received assistance from the United States.

Romania

28. In 2000, the Romanian Competition Council (RCC) benefited from three technical cooperation activities. First, technical assistance provided by the United States through the United States Agency for International Development (USAID) in the form of a technical assistance programme with two components: (a) long-term assistance by a special adviser from the United States Federal Trade Commission who was appointed to the RCC; and (b) short-term assistance, such as one-week missions. The long-term mission ended in April 2000, but within the framework of the technical assistance programme provided by the United States Federal Trade Commission and Department of Justice, a workshop on real competition cases was organized in collaboration with experts from both agencies in June 2000, when the programme officially terminated. At the end of 2000, several meetings were held with the representatives of the United States Federal Trade Commission to discuss the resumption of the programme which was provided for the RCC and the Competition Office. Within its framework, a medium-term mission was envisaged to take place in February 2001 and a special adviser from the United States Federal Trade Commission was appointed to the RCC.

29. Second, in accordance with the provisions of the European Association Agreement EU-Romania, the RCC was involved in the pre-accession programme and in the harmonization of Romanian competition legislation. Under the Association Agreement, it also focused on institution building, effective enforcement of competition policy and especially on the training of Council staff, which was one of the most important items. Within the 1999 PHARE budget, a project to strengthen administrative capacity in the field of competition and State aid was approved. Both the Competition Council and the Competition Office will benefit from this project, which consists of two components: (a) training sessions with the competition authorities of EU member States, exchange of experience and seminars organized in Romania with lectures by EU specialists; and (b) assistance provided by an EU expert to the RCC in the area of adoption of secondary legislation and enforcement of State aid legislation. In addition, the RCC received assistance from the EU Commission in the form of a seminar on liberalization of public utilities and State aid issues, which was held in Rome in March 2000. Also in 2000, under PHARE auspices, the European Institute in Bucharest organized a series of seminars on competition and State aid issues.

30. Third, within the OECD's multilateral assistance programme for Central and Eastern Europe countries, experts from the RCC attended a two-week seminar in Vienna, which focused on sharing experiences acquired in dealing with various cases.

Thailand

31. The Department of Internal Trade (DIP) has received technical assistance from the World Bank with regard to the drafting and implementation of Thailand's competition law - the Business Competition Act of 1999. The next phase of the World Bank's assistance will concentrate on educating civil society about competition issues, developing enforcement capacity through the dissemination of information relating to specific cases and government policies, and organizing training and workshops. The targeted groups will consist of consumers, business associations, legal/economic professional communities and governmental organizations.

Latin American Integration Association (ALADI)

32. The Secretary-General of ALADI broached the subject of competition law and policy and technical assistance information for the first time in 1998 with the publication of the information paper "Politicas de competencia y consumidores" ("Competition policy and consumers") (ALADI/SEC/di 1168, of 16 November 1998). The paper gives an overview of this kind of policy in relation to consumer protection, as well as of the provisions in force in the countries of ALADI, the Andean Community, the Southern Common Market (MERCOSUR), the G-3, the North American Free Trade Agreement (NAFTA), the Free Trade Area of the Americas (FTAA), etc. At the same time, a description is provided of the practices that distort competition, namely: horizontal and/or vertical agreements; collective decisions and concerted practices that have the objective or effect of preventing, restricting or distorting free competition; abuse of dominant position; regulating the system of State aid; and other practices that are contrary to the normal and correct functioning of competition, producing distortion in internal markets (oligopolies, monopolies, etc.). A comparative analysis was also made of the measures taken by MERCOSUR and the applicable Andean Community decisions. Subsequently, documents ALADI/SEC/di 1245 and 1400 were issued; they describe the activities carried out to implement the provisions of the ALADI programme of activities in this field during 1997, 1998 and 1999 in the main forums and under various schemes, and consider the situation in the World Trade Organization (WTO), FTAA, the Andean Community, MERCOSUR, the Economic Complementarity Agreements (ACE-ALADI), etc.

Economic Commission for Latin America and the Caribbean (ECLAC)

33. Between 1999 and 2000, the main technical cooperation activities undertaken in the area of competition policy included the following: (a) ECLAC cooperated with the Government of Nicaragua in attending the International Conference on Competition Policy and Its Institutions, organized by the Ministry of Development, Industry and Trade and the German Agency for Technical Cooperation (GTZ) and held in Managua in November 1999; (b) ECLAC helped organize, together with the regional organization Consumers International, an international seminar on competition law in Latin America, held in September 1999 in Santiago, Chile; and (c) ECLAC helped organize, together with UNCTAD and the Costa Rican Commission for the Promotion of Competition, a regional seminar on competition law and policy for Latin America and the Caribbean, held from 30 August to 1 September 2000 in San José, Costa Rica. The San José Declaration, which was drafted at this meeting, was submitted by UNCTAD to the

Fourth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices; (d) ECLAC provided technical assistance to the Negotiating Group on Competition Policy with a view to setting up FTAA. This work took the form of participation in the OAS-IDB-ECLAC Tripartite Committee. This technical cooperation work, which involves most of the countries in the hemisphere, has been carried out continuously since the first meeting of the Negotiating Group in September 1998.

World Trade Organization

34. Paragraph 22 of the Singapore Ministerial Declaration provides that the technical cooperation programme of the WTO secretariat shall be made available to developing and, in particular, least-developed country members to facilitate their participation in the work of the WTO Working Group on the Interaction between Trade and Competition Policy (WGTCP) which is established in paragraph 20 of the Declaration. During 2000, the secretariat has sought to respond to a request by developing countries during the preparatory process for the Seattle Ministerial Conference for additional and more intensive assistance in the area of trade and competition policy, particularly through regional workshops and similar activities. A number of activities were undertaken in that connection. In several cases, these activities were organized by the WTO with the participation of staff from other intergovernmental organizations, including UNCTAD and the OECD, or staff of the WTO secretariat participating in activities organized by other intergovernmental organizations.

35. In July 2000, a WTO Regional Workshop on Competition Policy, Economic Development and the Multilateral Trading System was held in Phuket, Thailand, for the benefit of Asian WTO members and observers. It was organized by the WTO secretariat in cooperation with the Government of Thailand and with financial support from the Government of Japan. It was attended by representatives of 22 WTO member and observer countries from South, South East and East Asia, from both trade ministries and competition offices. The workshop examined a range of questions relating to the role of competition policy in developing economies, the needs of the latter with respect to technical assistance and other forms of cooperation, and the role that the multilateral trading system might play in supporting the implementation of effective national competition policies by developing country members. It featured participation by prominent experts from competition agencies, universities and civil society organizations from within and outside the region as well as from other intergovernmental organizations, including UNCTAD and the OECD. During the year, preparations started for a similar workshop to be held in Cape Town, South Africa, for the benefit of African WTO members and observers, in February 2001. During 2000, a representative of the WTO secretariat participated in a series of regional meetings organized by UNCTAD in preparation for the Fourth Review Conference on the UN Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, which was held in Geneva from 25 to 29 September 2000. In particular, the secretariat participated in regional meetings held in Jaipur, India (April 2000); Kiev, Ukraine (July 2000); Casablanca, Morocco (July 2000); and San Jose, Costa Rica (August-September 2000), at which updates were provided to delegates on the ongoing exploratory work and state of play on competition policy in the WTO. In addition, a

representative of the secretariat participated as a speaker in several ad hoc seminars, workshops and similar events. These included (a) a University of Geneva summer course on issues relating to competition policy and the multilateral trading system, attended by a number of delegates from developing countries; (b) a round-table meeting on competition policy and pro-poor development, organized by the Department for International Development of the Government of the United Kingdom in London (July 2000); (c) an APEC Regional Seminar on WTO Issues: Investment and Competition Policies, in Manila (November 2000); and (d) the launch meeting of a project organized by the Consumer Unity and Trust Society to review the implementation of competition policy in a number of countries in Asia and southern Africa. The WTO representative also participated as an instructor in an intensive week-long course on competition policy organized by the World Bank in cooperation with the Government of Singapore. Also during 2000, work continued on the preparation of a volume of policy analysis based on four symposia on issues relating to competition policy, development and the multilateral trading system that were held in Geneva in 1997-1999 organized by the WTO secretariat with financial assistance from, and participation by staff of, UNCTAD and the World Bank. The volume is expected to be available in the autumn of 2001.

B. Requests for technical assistance

36. Below are extracts from replies received by the UNCTAD secretariat which are related to requests for technical assistance, with identification of specific competition law and policy areas or issues which the States concerned would wish to see receive priority attention.

Barbados

37. Barbados is preparing a competition policy document with a view to engaging external consultants to draw up competition legislation. Assistance will also be sought from UNCTAD member States in establishing the competition function of the recently established Fair Trading Commission. In addition, UNCTAD's assistance will be sought in the running of the UNCTAD course entitled "Implementation of Competition Law" in Barbados in the near future.

Cape Verde

38. The Government recently (in January 2000) adopted a competition law but this has not yet been brought under regulation. It would therefore be very useful if Cape Verde could be given technical assistance to train human resources in competition law and policy in the near future.

China

39. It is expected that relevant international organizations such as UNCTAD and OECD could invite the core members of the group drafting the Anti-monopoly Law to undertake studies overseas for a period ranging from six months to a year. It is also expected that the relevant international organizations and the competition authorities of their member countries could invite the backbone of the Chinese competition authority to practise overseas for three to six months in order to acquire a thorough knowledge of competition legislation and law enforcement.

Fiji

40. Fiji requests assistance in the following areas: (a) technical assistance in the legal area and in administration of a regulatory body as established under the Commerce Act; (b) provision of specialist training courses for enforcement officers, and Commissioners and staff of the Commerce Commission; and (c) implementation of joint bilateral cooperation activities with other countries.

Ghana

41. Ghana does not have a law on competition. The Bill on the subject is currently undergoing legislative procedures. Technical assistance will therefore be required in the following areas: (a) attachment courses in institutions in countries operating competition law; and (b) a national awareness seminar on competition policy and law. The target audience will consist of business operators, public sector policy formulators and parliamentarians.

Malta

42. In view of the need to introduce merger control, the Consumer and Competition Division (EU and International Relations) would like to receive expert assistance in drafting a law on that subject and also regarding the way in which mergers should be tackled, given the particular circumstances of a small market economy.

Peru

43. A request has been made for places on courses and internships for INDECOPI officials in various competition bodies where they can receive training in methodologies for analysing markets and dealing with cases of behaviour amounting to abuse of dominant position and anti-competitive practices. INDECOPI suggests that UNCTAD should encourage organizations such as the International Organization for Migration, the World Bank and IDB (through its intra-regional technical cooperation programme, CT/INTRA), to set up a special budget line for the training and exchange of experts on competition policy, which would make it possible to offer specialized internships for officials from developing countries in organizations with a proven track record and to offer short-term consultancies. It could also provide a common denominator at the international level for the way competition cases are dealt with and for the competition policies introduced in each country.

Thailand

44. Thailand wishes greater priority to be given to responding to the specific needs of developing countries. From its point of view, such needs include (a) sponsoring officials from Thailand's competition agency to work in the competition agencies of countries with competition experience; (b) having experts from experienced competition agencies guide and assist Thailand's competition agency, particularly in procedural matters that arise in the early years of new competition agencies; and, (c) provision of resource persons and financial support by developed countries to organize training and workshops. As regards the technical assistance in the area of competition policy already being provided by a number of donors, including the

World Bank, UNCTAD, the OECD and a number of individual Governments, Thailand believes that more could be achieved with the available resources if there was greater coordination of the activities involved.

Ukraine

45. Ukraine would be interested in participating in technical assistance projects which would make possible a comprehensive approach to competition policy and legislation in Ukraine. Such projects include (a) transfer of legislation conformity analysis methodology (conformity of current Ukrainian competition policy and legislation with European and international requirements); (b) assistance in bringing national competition legislation into line with European and international legislation; (c) competition policy seminars to be held by the Ministry of Economy; (d) short-term education/trainee programmes in appropriate educational centres/institutions abroad for Ukrainian officials dealing with competition policy issues; and (e) publication of joint research results (in English and Ukrainian) in order to inform the appropriate legislative and executive authority officials about issues relating to competition policy and legislation development in Ukraine.